

CEQA

California Environmental Quality Act

The Act was designed to ensure that the negative environmental impacts associated with construction and operation of discretionary projects are minimized to the greatest extent feasible.

Four Functions

- ✚ To inform decision-makers and public about significant environmental effects
- ✚ To identify ways environmental impacts can be avoided or reduced
- ✚ To prevent avoidable environmental impacts through mitigation or alternatives, if feasible
- ✚ To disclose to the public why a project is approved even if it leads to unavoidable adverse environmental impacts

What CEQA Does Not Do/Require

- ✚ Does not argue for or against a project
- ✚ Does not examine legal issues related to a project
- ✚ Does not compare the economic advantages or disadvantages of a project or its alternatives
- ✚ Does not require exhaustive treatment of issues nor perfection
- ✚ Does not require agreement among experts

CEQA Process

- ✚ Agency determines if a project is exempt
 - Classes of projects which there will ordinarily be no adverse environmental impacts
- ✚ If not exempt Agency prepares an Initial Study
 - Serves to provide basis for level of environmental review, focus environmental review and allows for modification of a project
- ✚ Agency prepares and distributes environmental document for public comment period based on results of Initial Study
- ✚ Agency holds a public hearing and acts on environmental document
- ✚ If environmental document approved, the project may then be approved

CEQA Documents

- ✚ Notice of Exemption
- ✚ Initial Study (Environmental Assessment)
- ✚ Negative Declaration (ND)/Mitigated Negative Declaration (MND)
- ✚ Environmental Impact Report (EIR)
 - Project-unique to a specific project
 - Program-broad, large-scale, cumulative focus
 - Focused-limited items, e.g. historical
 - Subsequent-new EIR that focuses on conditions that need new analysis
 - Supplemental-revises or adds to a previous EIR with minor changes
 - Addendum-revises or adds to a previous EIR with minor technical changes
- ✚ Notice of Determination

Use of Previous Environmental Impact Reports

- ✚ Tiering – Use a broad, program-level EIR to cover general environmental issues in another environmental document
 - Incorporates by reference information from the program EIR
 - Concentrates on project-specific issues
 - Tiered document can be an ND, MND or EIR
 - Reduced processing time, costs and redundancy
 - Examples: Holly Seacliff, Beach and Edinger Corridors
- ✚ Use of Earlier EIR for a different project as a Project EIR
 - Can use one Project EIR for a “different” project if essentially same (not worse or new) significant environmental impacts
 - Need to determine if setting/conditions are comparable if time has elapsed and that mitigation is still feasible
 - An Addendum may be appropriate, e.g., Bella Terra/Costco

Use of Alternatives

- ✚ Required in EIRs only; for the purpose of reducing or eliminating significant adverse impacts
- ✚ Only a reasonable range of potentially feasible alternatives that would achieve most of a project’s basic objectives is required
- ✚ Required to evaluate the “No Project” Alternative
- ✚ Can approve a project that is different from the analyzed “project” and an alternative, as long as no new significant impacts